

08-31-01

Sector



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/758,962 | 01/09/2001 | Simon Santa-Cruz | 00801.0192.NPUS00 |

CONFIRMATION NO. 9671

27194

HOWREY SIMON ARNOLD & WHITE, LLP
 BOX 34
 301 RAVENSWOOD AVE.
 MENLO PARK, CA 94025



FORMALITIES LETTER



OC000000005914110

08/14/2002 EEKURAY1 00000005 09758962

Date Mailed: 03/29/2001

| | |
|-----------|------------|
| 01 FC:201 | 355.00 OP |
| 02 FC:205 | 65.00 OP |
| 03 FC:203 | 288.00 OP |
| 04 FC:202 | 1804.00 OP |

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Adjustment date: 08/14/2002 EEKURAY1
09/04/2001 KZENDIE 00000042 09758962

FILED UNDER 37 CFR 1.53(b)

| | |
|-----------|-------------|
| 01 FC:101 | -710.00 OP |
| 02 FC:105 | -130.00 OP |
| 03 FC:103 | -576.00 OP |
| 04 FC:102 | -2000.00 OP |

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

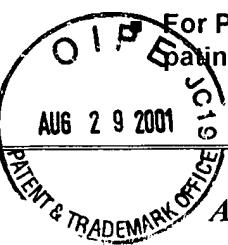
- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$2576.
 - \$576 for 32 total claims over 20.
 - \$2000 for 25 independent claims over 3 .
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 3416.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with

Ref#: 09/14/2002 EEKURAY1 00000042
 Date: 08/30/02 Name/Number: 09758962
 FC: 704

that of another application on file in the Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov



Wendy Lewis
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEES TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$4306.00)

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | 09/758,962 |
| Filing Date | January 9, 2001 |
| First Named Inventor | Simon SANTA CRUZ |
| Examiner Name | Not Yet Assigned |
| Group Art Unit | 1642 |
| Attorney Docket No. | 00801.0192.NPUS00 |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Acct. No. **08-3038**Deposit Account Name **Howrey Simon Arnold & White, LLP**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other Order

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|---------------|
| 101 | 710 | 201 | 355 | Utility filing fee | 710.00 |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$710.00)

2. EXTRA CLAIM FEES

| Total Claims | 52 | -20** = | 32 | X | 18 | = | 576 | Extra Claims | Fee from below | Fee Paid |
|--------------------|----|---------|----|---|----|---|------|--------------|----------------|----------|
| | | | | | | | | | | |
| Independent Claims | 28 | - 3** = | 25 | X | 80 | = | 2000 | | | |
| | | | | | | | | | | |

Multiple Dependent

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | ** Relüss Independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Relüss claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$2576.00)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Fee | Entity Fee | Small Fee | Entity Fee | Fee Description | Fee Paid |
|-----------|------------|-----------|------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | 130.00 |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | 890.00 |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 240 | 126 | 240 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1020.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) **ALBERT P. HALLUIN, ROBIN C. CHIANG**Registration No. (Attorney/Agent) **25,227 46,619**

Telephone (650) 463-8109

Signature Date **8/29/01**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Simon SANTA CRUZ et al.

Appl. No. 09/758,962

Filed: January 9, 2001

For: **EXPRESSION OF FOREIGN
GENES FROM PLANT
VIRUS VECTORS**

Art Unit: 1642

Examiner: Not yet assigned

Attorney Docket: 00801.0192.NPUS00

**Response to Notice to File
Missing Parts of Application**

Commissioner for Patents
Washington, D.C. 20231
ATTN: Box Missing Parts

Sir:

In response to the **Notice to File Missing Parts of Application--Filing Date Granted** dated March 29, 2001, Applicant(s) submits the following documents for appropriate action by the U.S. Patent and Trademark Office:

- Petition for Extension of Time under 37 C.F.R. § 1.136;
- Copy of the Notice to File Missing Parts;
- Original Combined Declaration and Power of Attorney
- Return postcard; and
- Check for \$4306.00 to cover filing fees
- PTO Form SB 17 Fee Calculation Sheet

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.



The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 00801.0192.NPUS00. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 00801.0192.NPUS00. A duplicate copy of this Response is enclosed.

Respectfully submitted,

August 29, 2001

Albert P. Halluin (Reg. No. 25,227)
Robin C. Chiang (Reg. No. 46,619)

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